

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Panchayat Raj & Rural Development Department – Sri D.Nagesh Babu, former Chief Executive Officer, Zilla Praja Parishad, Prakasam District (dismissed) – Committed certain irregularities in sanction of various works for the year 2003-2004 with out approval of the General Body and Chairman – Appointed Inquiry Officer – Conducted Enquiry – Charges held proved – Dismissal order issued – Set aside by the Andhra Pradesh Administrative Tribunal – Re- enquiry to be conducted – Appointment of Dr. Premchand, IAS (Retd), Member of Commissioner of Inquiry as Inquiry Authority for conducting afresh enquiry and Sri G.Venugopal Rao, Advocate, Hyderabad as Presenting Officer - Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.IV) DEPARTMENT

G.O.Rt.No. 550,

**Dated: 01 .04.2014.
Read the following.**

1. G.O. Rt. No: 1330, PR&RD(Vig.IV) Dept., Dated: 21.09.2006.
2. Letter No.7974/CPR&RE/C1/2005, dated: 02.02.2007 of the CPR&RE., Hyd.
3. G.O. Ms. No: 275, PR&RD(Vig.IV) Dept., Dated: 09.09.2009.
4. Orders dated:31.01.2014 of the Hon'ble APAT in O.A.No.5/2010.

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ORDER

In the reference 1st read above, Government have issued orders appointing Sri C. Venkateswara Rao, Deputy Commissioner and Sri B.Vijaya Kumar, District Panchayat Officer, Prakasam District as Inquiry officer and Presenting Officer respectively to inquire into the charges framed against the Charged Officer ie Sri D.Nagesh Babu, former Chief Executive Officer, Zilla Praja Parishad, Prakasam District who committed certain irregularities in sanction of works with out approval of the General Body and Chairman of the Zilla Praja Parishad, Prakasam District.

2. In the reference 2nd read above, the enquiry officer has enquired into the charges and submitted his report stating that out of three charges framed against him Charge No-1 is partly proved and the Charges No -2 & 3 are fully proved.

3. In the reference 3rd read above, Government after examining the findings of the Enquiry Officer and the explanation of the Charged Officer have issued orders dismissing Sri D. Nagesh Babu, former Chief Executive Officer, Prakasam District from service.

4. Aggrieved by the above said orders, the applicant has filed an O.A.No.5/2010 in the Hon'ble Andhra Pradesh Administrative Tribunal.

5. In the reference 4th read above, the Hon'ble Andhra Pradesh Administrative Tribunal, in it orders dated: 31.01.2014 has directed as follows:

"For the reasons stated under Point No.(i), the O.A. is allowed setting aside the G.O.Ms.No.275, PR&RD (vig.IV) Department, dated 9.9.2009, issued by the 1st respondent and the matter is remitted back to the disciplinary authority with a direction to the respondents to proceed with the enquiry afresh from the stage of receiving the written statement of the applicant strictly in accordance

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with Andhra Pradesh Civil Services (CC&A) rules, 1991 and then pass final orders basing upon the enquiry report, so submitted. As the applicant has retired from service, the disciplinary authority is directed to see that the enquiry is completed as expeditiously as possible, preferably within a period of six months, from the date of receipt of the copy of this order. In the meantime, provisional pension shall be paid to the applicant”.

6. Taking into account the order of the Hon'ble Andhra Pradesh Administrative Tribunal, Government have decided to conduct inquiry afresh into the matter under A.P. Civil Services (Classification, Control and Appeal) Rules, 1991, and accordingly, Government hereby appoint Dr Premchand IAS (Retd), Member of Commissioner of Inquiry, as the Inquiry Authority, under rule 20(2) Of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 to conduct enquiry afresh from the stage of receiving the written statement of Sri D. Nagesh Babu, former Chief Executive Officer, Prakasam District dismissed from service.

7. Government also hereby appoint Sri G.Venugopal Rao, Advocate, as the Presenting Officer to present the case before the Inquiry Authority under Rule 20(5) © of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991.

8. The Presenting Officer shall acquaint himself with the facts of the case and present the case before the Inquiry Authority effectively. He is also permitted to furnish the records required during the enquiry by the Inquiry Authority keeping in view of their necessity in the enquiry without referring the matter to the Government.

9. The Inquiry Authority is requested to conduct enquiry strictly in terms of Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and submit his report with in a period of (3) months so as to comply the orders of Hon'ble Andhra Pradesh Administrative Tribunal in O.A. No. 5/2011 filed by the Charged Officer and to avoid further legal complications as required under sub-rule 18(ii) of the above said Rule. The copies of charge memos issued to the delinquent officers and written statement of defense submitted by the delinquent officer are herewith furnished to the Inquiry Officer as required under Rule 20(7) of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S.JAWAHAR REDDY
SECRETARY TO GOVERNMENT (PR)

To

Sri Dr Premchand IAS (Retd), Member of Commissioner of Inquiry.

Copy to

Sri G.Venugopal Rao, Advocate, Flat No. 306,

Sarada Apparments, Street No .06 Nallakunta, Hyderabad.

The Commissioner, Panchayat Raj & Rural Employment, Hyderabad.

The individual through the District Collector, Prakasam District.

The Vigilance Commission,

Andhra Pradesh Vigilance Commissioner, Hyderabad.

SF/SC.

//FORWARDED BY :: ORDER//

SECTION OFFICER